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UNITED STATES DISTRICT COURT  
Northern District of California

SOPHIA Q. CHAN,

Plaintiff,

v.

JOAQUIN SALAS,

Defendant.

No. C 10-04348 MEJ

**ORDER DISCHARGING OSC**

**ORDER SETTING BRIEFING AND  
HEARING SCHEDULE RE:  
DEFENDANT'S MOTION TO  
DISMISS**

On October 4, 2010, Defendant Joaquin Salas filed a motion to dismiss, with a noticed hearing date of November 18, 2010. Dkt. No. 4. However, on November 17, 2010, Plaintiff Sophia Chan filed a request to postpone her case until she was able to recover from a surgery scheduled to take place on November 23, 2010. Dkt. No. 13. The Court granted Plaintiff's request, but noted that Plaintiff did not provide a date by which her recovery would be complete, and therefore ordered Plaintiff to file an opposition to Defendant's motion by March 17, 2011. Dkt. No. 14.

On March 15, 2011, Plaintiff filed a document in which she stated that she is still recovering from surgery and requested a further continuance of her case. Dkt. No. 15. However, Plaintiff once again provided no information regarding the type of surgery she underwent or the anticipated length of her recovery. Accordingly, the Court ordered Plaintiff to provide a letter from the doctor that performed her surgery, including information regarding (1) the type of surgery Plaintiff underwent, (2) the normal recovery period expected after such a surgery, (3) the anticipated length of Plaintiff's further recovery, and (4) when the doctor expects that Plaintiff will be able to resume prosecuting her case. Dkt. No. 17.

On April 7, 2011, as Plaintiff failed to provide a letter from her doctor, the Court ordered her

1 to show cause why this case should not be dismissed for failure to prosecute and comply with court  
2 deadlines. The Court ordered Plaintiff to file a declaration by May 5, 2011, and scheduled a hearing  
3 on May 19, 2011. Dkt. No. 19.

4 Although Plaintiff did not file a declaration in response, she did appear at the May 19  
5 hearing, at which time she said she “forgot” to bring the letter from her doctor, but she intended to  
6 proceed with the case. Based on the procedural history in this case, the Court finds it appropriate to  
7 re-calendar Defendant’s motion at this time. Accordingly, the order to show cause is  
8 DISCHARGED. Plaintiff shall file any opposition to Defendant’s motion to dismiss by June 9,  
9 2011, and Defendant shall file any reply by June 23, 2011. The Court shall conduct a hearing on  
10 July 14, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco,  
11 California.

12 **IT IS SO ORDERED.**

13  
14 Dated: May 19, 2011

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16 Maria-Elena James  
17 Chief United States Magistrate Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SOPHIA Q. CHAN

Plaintiff,

Case Number: 10-04348 MEJ

V.

JOAQUIN SALAS

## Defendant.

## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on May 19, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.

14 Sophia Q. Chan  
1468 Silver Avenue  
15 San Francisco, CA 94134

17 | Dated: May 19, 2011

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk